

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In Re:

**Vanessa Holman**

Case No. 13-80341

Chapter 13

Soc. Sec. No. xxx-xx-4636

Mailing Address: 4605 West Ave., Durham, NC 27704

Debtor

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**MOTION TO REOPEN CASE**

NOW COMES the Debtor above-named, and shows unto the Court as follows:

1. That this matter is a core proceeding pursuant to 28 U.S.C. § 157, and that the Court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334.
2. That the Debtor files this motion pursuant to 11 U.S.C. Section 350(b) to reopen this case.
3. The Debtor filed this bankruptcy case on March 13, 2013 seeking protection under Chapter 13 of Title 11 of the United States Code.
4. The § 341 Meeting of Creditors was held on June 14, 2013.
5. The Chapter 13 plan was subsequently confirmed by order of this Court on July 24, 2013, with the Trustee to make ongoing monthly mortgage payments and mortgage arrearage payments to Bank of America, N.A. through its servicer, Wells Fargo Bank, N.A..
6. On July 19, 2017, the Chapter 13 Trustee filed a Notice of Final Cure Mortgage Payment stating that the amount required to cure the default in the mortgage had been paid in full.
7. On August 7, 2018, Bank of America, N.A., through counsel, filed a Response to Notice of Final Cure Mortgage Payment, agreeing that the default had been paid in full.
8. On September 11, 2017, the Chapter 13 Trustee filed a Notice of Completion of Plan, notifying the Court and other interested parties that the Debtor had successfully completed the plan.
9. That the Debtor received a discharge pursuant to 11 U.S.C. § 1328 on October 24, 2017.
10. Despite the Debtor being current on the mortgage obligation at the time of discharge and being current with payments post-petition, Wells Fargo Bank, N.A. has repeatedly contacted the Debtor, asserting that the mortgage is delinquent.

11. The Debtor believes she is contractually current with the loan. The numerous letters and erroneous information submitted to the Debtor by Wells Fargo Bank, N.A. have caused considerable emotional distress, sleepless nights, increased blood pressure, and physical symptoms of a medical condition.
12. The reopening of this case is necessary to afford the Debtor the opportunity to file an Adversary Proceeding against Bank of America, N.A. and Wells Fargo Bank, N.A. for violation of the Discharge Order, the Order confirming plan, and violations of Fed.R.Bankr.P. 3002.1(i).

WHEREFORE, the Debtor moves the Court to reopen this case, and for such other and further relief as the court may seem just and proper.

Dated: June 28, 2018

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Craig Shapiro

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Craig Shapiro

N.C. State Bar No. 48887

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**CERTIFICATE OF SERVICE**

I, Erica NeSmith, certify, under penalty of perjury, that I am, and at all times during this service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made, and that service of the **Motion to Re-open**, was made on June 28, 2018 by **regular, first class United States mail**, postage fully pre-paid, addressed to:

Richard M. Hutson, II  
Chapter 13 Trustee  
Post Office Box 3613  
Durham, N C 27702

Stephen Troy Staley  
Hutchens, Senter, Kellam and Pettit, P.A  
4317 Ramsey Street  
P.O. Box 2505  
Fayetteville, NC 28302

/s Erica NeSmith  
Erica NeSmith